

3 FAH-1 H-3500 UNPAID LEAVE

3 FAH-1 H-3510 LEAVE WITHOUT PAY (LWOP)

This subchapter contains guidelines and procedures which implement the regulations published in 3 FAM 3510 , and should be used in conjunction with that subchapter.

3 FAH-1 H-3511 GENERAL

(TL:POH-21; 9-27-96)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Leave without pay (LWOP) is a temporary, nonpay status and absence from duty, granted with administrative discretion, upon an employee's written request.

b. The permissive nature of LWOP distinguishes it from absence without official leave (AWOL), which is an absence from duty that is not authorized or approved (including leave not approved until required documentation is submitted), or for which a leave request has been denied.

3 FAH-1 H-3512 APPLICATION PROCEDURES

3 FAH-1 H-3512.1 Foreign Service Employees Serving Overseas

3 FAH-1 H-3512.1-1 80 Hours or Less

(TL:POH-21; 9-27-96)

(Uniform State/USIA/Commerce)

(Applies to Foreign Service Employees)

As provided in 3 FAM 3511.1-2 , an approving officer at post may approve leave without pay of 80 hours or less; however, they must notify:

State IO or the regional executive office

Commerce OFSP

USIA M/HRF or B/PF

3 FAH-1 H-3512.1-2 More Than 80 hours But Not to Exceed 90 Calendar Days

(TL:POH-21; 9-27-96)

(Uniform State/USAID/Commerce)

(Applies to Foreign Service Employees)

As provided in 3 FAM 3511 , an approving officer at post may grant leave without pay of more than 80 hours but not to exceed 90 calendar days using the following procedure:

State	Prepare an SF-52, Request for Personnel Action and submit it to headquarters for issuance of an SF-50, Notification of Personnel Action.
USAID	Prior to approval of LWOP for more than 30 calendar days, must notify M/HR/POD or EM (IG/RM for BS-08).
Commerce	Prior to approval of LWOP for more than 30 calendar days, must notify OFSP/USFCS. OFSP will prepare SF-52 and SF-50.

3 FAH-1 H-3512.1-3 LWOP in Excess of 30 Days - USIA

(TL:POH-21; 9-27-96)

(USIA Only)

(Applies to Foreign Service Employees)

Requests for periods of LWOP in excess of 30 days must be approved by M/HRF or B/PF and documented by issuance of an SF-50.

3 FAH-1 H-3512.1-4 Headquarters Approval/Disapproval

(TL:POH-21; 9-27-96)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service Employees)

a. Where headquarters approval/disapproval is required in 3 FAM 3511 , the post will forward:

- The employee's written request;
- A recommendation; and
- Any appropriate explanation or comment;

to the appropriate headquarters office.

- b. Headquarters will notify post of approval or disapproval of the request.
- c. When LWOP is approved for a State Department employee, PER/CDA will:
 - Prepare a SF-52; and
 - Forward the SF-50 to PER/EX/IM for preparation and issuance of the SF-50.

3 FAH-1 H-3512.2 Foreign Service Employees Serving in the United States

3 FAH-1 H-3512.2-1 LWOP of 80 Hours or Less

(TL:POH-21; 9-27-96)
(State Only)
(Applies to Foreign Service Employees)

A written request must be submitted to the official listed in 3 FAM 3511.2 .

3 FAH-1 H-3512.2-2 LWOP of More Than 80 Hours But Not to Exceed 90 Calendar Days

(TL:POH-21; 9-27-96)
(State Only)
(Applies to Foreign Service Employees)

A written request and appropriate recommendation must be submitted through the supervisor to the executive director or administrative officer.

3 FAH-1 H-3512.2-3 LWOP of More Than 90 Calendar Days

(TL:POH-21; 9-27-96)
(State Only)
(Applies to Foreign Service Employees)

- a. A request days must be submitted by memorandum through the supervisor to the executive director or administrative officer.
- b. That official will forward the request, together with a recommendation, and any appropriate explanation or comments, to PER/CDA.
- c. The approving officer will forward any approved SF-52 (to PER/EX/IM in State) for issuance of the SF-50.

3 FAH-1 H-3512.3 Civil Service Employees of State

3 FAH-1 H-3512.3-1 LWOP of 80 Hours or Less

(TL:POH-21; 9-27-96)

(State Only)

(Applies to Civil Service Employees)

A request for 80 hours or less of LWOP is made in writing to the official designated in section 3 FAM 3511.3 .

3 FAH-1 H-3512.3-2 LWOP of More Than 80 Hours But Not to Exceed One Year

(TL:POH-21; 9-27-96)

(State Only)

(Applies to Civil Service Employees)

A request for LWOP for more than 80 hours but not in excess of one year, or for an extension of LWOP that will result in a total period of LWOP for more than 80 hours, must be submitted on an SF-71, Application for Leave, with written justification, through the supervisor to the executive director or administrative officer. That official, if the request is approved, submits an SF-52 to PER/CSP for final approval and PER/CSP forwards it to PER/EX/IM for issuance of a SF-50.

3 FAH-1 H-3512.3-3 LWOP of More Than One Year

(TL:POH-21; 9-27-96)

(State Only)

(Applies to Civil Service Employees)

A request for LWOP in excess of 1 year must be submitted by memorandum through the supervisor to the executive director or administrative officer. That official forwards the request to PER/CSP for decision, together with a recommendation, any appropriate explanation or comment, and an SF-52. PER/CSP notifies the executive director or administrative officer of the decision, and forwards any approved SF-52 to PER/EX/IM for issuance of the SF-50.

3 FAH-1 H-3512.4 Senior Executive Service Employees of State

(TL:POH-21; 9-27-96)

(State Only)

(Applies to Civil Service Employees)

a. A request for LWOP for more than 80 hours, or for an extension of LWOP that will result in a total period of LWOP of more than 80 hours must be submitted on an SF-71, with written justification through the supervisor to the executive director or administrative officer.

b. That official will forward the request to the Executive Resources Board (ERB) with a recommendation, appropriate explanation or comment, and an SF-52.

c. The ERB Chair will act on requests for LWOP for periods of less than six months.

d. The ERB will act on requests for LWOP of six or more months.

e. The executive director or administrative officer will be notified of ERB decisions.

f. Upon ERB approval PER/CSP will forward the SF-52 to PER/EX/IM for issuance of the SF-50.

3 FAH-1 H-3512.5 Foreign Service Corps - USDA

(TL:POH-21; 9-27-96)

(USDA Only)

(Applies to Foreign Service Employees)

All requests for LWOP by USDA employees will be handled in accordance with agency directives.

3 FAH-1 H-3512.6 USAID

(TL:POH-21; 9-27-96)

(USAID Only)

(Applies to Foreign Service Employees)

When processing a request for LWOP by an employee of USAID, the post must:

- Notify M/HR/POD, M/HR/EM or IG/RM in advance;
- Provide beginning and ending dates of LWOP; and
- Provide the reason;

in order for an SF-50 to be issued.

3 FAH-1 H-3513 CONSIDERATION OF REQUEST FOR LWOP

(TL:POH-21; 9-27-96)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Each request for LWOP should be examined to assure that the value to the Government or the needs of the employee are sufficient to offset the costs and administrative inconveniences which result from the retention of an employee in a LWOP status.

b. Among these costs and inconveniences which should be considered are:

- (1) Encumbrance of a position;
- (2) Loss of services which may be needed;
- (3) Compilation of retention preference registers in the event of reduction in force;
- (4) Obligations to provide active employment at the end of the approved leave period;
- (5) Creditable service for such benefits as retirement (e.g., six months per calendar year for LWOP), leave accrual, within-grade increases and severance pay;
- (6) Eligibility for continued coverage (without cost to the employee for up to one year of nonpay status) for life insurance and continued coverage (with payment of employee's portion of the premium by the employee for up to one year) for health insurance benefits.

3 FAH-1 H-3514 APPROVAL OF EXTENDED LWOP

(TL:POH-21; 9-27-96)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)
(Applies to Foreign Service and Civil Service Employees)

As a basic condition to approval of extended LWOP, there should be reasonable expectation that the employee will return at the end of the LWOP. In addition, it should be apparent that at least one of the following benefits would result:

- (1) Increased job ability;
- (2) Protection or improvement of employee's health;
- (3) Retention of a desirable employee;
- (4) Fulfillment of parental or family responsibilities; or
- (5) Furtherance of a program of interest to the Government.

3 FAH-1 H-3515 PURPOSE FOR WHICH GRANTED

3 FAH-1 H-3515.1 Advanced Education

(TL:POH-21; 9-27-96)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)
(Applies to Foreign Service and Civil Service Employees)

a. Management may grant LWOP for the purpose of full-time advanced education when:

- The course of study or research is in line with the type of work performed by the agency; and
- Its completion would contribute to the best interests of the agency.

b. Requests for extended LWOP for advanced education must be submitted to the agency at least 90 days in advance.

3 FAH-1 H-3515.2 Service of a Temporary Character

(TL:POH-21; 9-27-96)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)
(Applies to Foreign Service and Civil Service Employees)

a. Management may grant LWOP for service with non-Federal public or private enterprise when:

- The job is of temporary character; and
- The job is consistent with U.S. Government Standards of Conduct (5 CFR Part 2635); and
- There is reasonable expectation that the employee will return; and
- The service to be performed will contribute to the public welfare; and/or
- The experience to be gained by the employee will serve the interests of the employing agency.

b. In some cases, the acceptance of non-Federal public employment may require the separation of an employee because of certain provisions of law.

3 FAH-1 H-3515.3 To Recover from Illness or Disability

(TL:POH-21; 9-27-96)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Management may grant LWOP for the purpose of recovering from illness or disability not of a permanent or disqualifying nature when continued employment or immediate return to employment would threaten impairment of the employee's health or the health of other employees.

b. LWOP for reasons of health must be supported by a medical certificate.

3 FAH-1 H-3513.4 LWOP for Other Purposes

(TL:POH-21; 9-27-96)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

a. Management may grant LWOP for the purpose of protecting employee status during any period when final action is pending:

- On a claim for disability retirement, after all sick and annual leave has been exhausted; or
- By the Office of Workers' Compensation Programs (OWCP) of the Department of Labor resulting from employment-connected injury or disease.

b. Approval of LWOP is mandatory for disabled veterans who require

treatment under Executive Order 5396 because of service-connected disabilities.

c. Approval of LWOP is mandatory when requested by Reservists and National Guard members to perform military training duties under the provisions of 38 U.S.C. 2024.

d. An employee injured in the line of duty may be granted LWOP while receiving compensation from the Office of Workers' Compensation Programs.

e. An employee may be granted LWOP to attend to parental or family responsibilities.

f. LWOP may be granted for the purpose of accompanying a Foreign Service employee spouse to an overseas post where no suitable tandem assignment is available.

g. LWOP may be granted for personal emergency when denial of leave without pay would result in severe hardship to the employee.

3 FAH-1 H-3516 RETURN TO DUTY

(TL:POH-21; 9-27-96)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps - USDA)

(Applies to Foreign Service and Civil Service Employees)

a. The post shall submit promptly to headquarters an SF-52 (USAID posts request M/HR/POD to issue an SF-52) covering each return to duty following a period of LWOP authorized under section 3 FAH-1 H-3512.1-2 .

b. For LWOP authorized under section 3 FAH-1 H-3512.1-3 , the employee's return to duty will be reported to headquarters only if there has been a change in the previously reported return-to-duty date.

c. For Commerce, post should notify OFSP promptly of the employee's return to duty following a period of LWOP under section 3 FAH-1 H-3512.1-3 . The SF-52 and SF-50 will be prepared in headquarters.

d. USAID posts will request M/HR/POD or EM, IG/RM for BS-08, to issue an SF-50.

3 FAH-1 H-3517 THROUGH H-3519 UNASSIGNED